

Agenda
Zoning Board of Appeals
April 21, 2022
6:30 PM

1. Virtual Meeting Instructions

Documents:

[4-21-22 Zoning Board Meeting Instructions.pdf](#)

2. Pledge Of Allegiance

3. Approval Of Minutes

Documents:

[3-17-22 Draft.pdf](#)

4. James & Marcia Morrison, 5007 F-M Road, Manlius
Will need one variance to install a 10' X 16' shed.

Documents:

[5007 F-M Road - Packet.pdf](#)

5. Marcus Morreale, 4760 Thatchwood Dr., Manlius

Documents:

[4760 Thatchwood Dr. - Packet.pdf](#)

6. A&E & SNY Center, Medical Center Dr. & Avriel Dr. , Fayetteville (086.-01-03.9)
Front yard setback on Medical Center Dr. they are required to have 50 ft., they have 40 ft., and are requesting 10ft.
Rear yard setback between this property and the Retirement Center they are required to have 50ft., they have 25ft, and are requesting 25ft.

Documents:

[Application Request - Medical Center Dr.pdf](#)
[Property Image.pdf](#)

7. Other Business

8. Adjournment

This meeting is being recorded and live streamed. The recording will be broadcast live and will be posted to the town website at www.townofmanlius.org



April 21, 2022 – 6:30PM

Zoning Board Meeting Instructions

The easiest way to participate in the meeting is to use the link provided below. The meeting will be conducted on the ZOOM platform as a webinar. Please make sure that when you complete your attendee registration you enter your full name.

Click on the link or enter the meeting URL web address as listed below.

<https://us02web.zoom.us/j/85201430725?pwd=WFJHTGxiQk5wVFRpbmlET3ptTzVCZz09>

Password to join when prompted:

Password: **175761**

Enter your email address and name and join the meeting.

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 852 0143 0725

Press # again to skip the personal id and enter the password below followed by #

Password: **175761**

If this is your first time joining a ZOOM meeting you may practice using ZOOM meeting platform at <https://zoom.us/test>.

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
March 17, 2022
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

Member	K P Kelly
Member	Clare Miller
Member	Karrie Catalino
Member	Warren Linhart
Secretary	Debi Witzel
Attorney	Jamie Sutphen

In Person Attendees: Ryan Smith

Virtual Attendees: None

The Pledge of Allegiance was recited. The meeting was called to order at 6:30 PM.

Minutes

Member Miller made a motion, seconded by Member KP Kelly, to approve the minutes of January 16, 2021 as submitted by Secretary Witzel.

The Board voted as follows:

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly

Nyes: 0

Abstain: Karrie Catalino, Warren Linhart

Motion Carries.

Legal Notices

Member Miller made a motion, seconded by Member Catalino to waive the reading of the public notices and it was carried unanimously.

Ryan Smith, 5546 N. Burdick St., Fayetteville NY (tax map # 086.-02-08.0) requesting five area variances for the subdivision of N. Burdick St. property.

Lot A - Area Variance: 1. Required – 100,000 Square Feet, 2. Has - 17,946 Square Feet, 3. Needs a Variance of – 82,054 Square Feet.

Front Yard: 1. Required – 40 Feet, 2. Has – 20.8 Feet, 3. Needs a Variance of – 19.2 Feet.

Rear Yard: 1. Required – 40 Feet, 2. Has – 0 Feet, 3. Need a Variance of – 40 Feet.

Lot B - Area Variance: 1. Required – 100,000 Square Feet, 2. Has – 28,749 Square Feet, 3. Needs a Variance of – 71,251 Square Feet.

Road Frontage: 1. Required – 200 Feet, 2. Has – 199.63 Feet, 3. Needs a Variance of - .37 Feet.

Mr. Smith stated he is looking to subdivide the lot to accommodate having one house on each separate lot. Mr. Smith is here to also make sure the lots will meet the current zoning requirements. Mr. Smith stated that he is aware that he cannot meet the variances that have been requested and that is what he wishes to discuss tonight.

Chairman T. Kelly read aloud the five requested variances for this property.

Mr. Smith and the Board discussed many different scenarios for the two lots and how to fit the houses. Items that were discussed were:

1. To rebuild the house on Lot A which would allow them to move it back from the rear lot line.
2. To build a new house on Lot A in a different location further away from the rear lot line. This options would still need variances but they would be better.
3. The septic system for Lot B is approved by the county and will stay. Lot A would need a new septic system installed. The option of tying into the public sewer would be quite complex and very expensive with a pump station.

Member KP Kelly made a motion, seconded by Member Linhart to open the public hearing at 6:50 PM and it was carried unanimously.

The board continues the discussion concerning rebuilding on the existing foundation or building a new house on the other side of the existing garage. The board continued its discussion about where and how the septic system for the new house would fit. Attorney Sutphen stated the septic system will be decided by Onondaga County.

Member Miller made a motion, seconded by Member KP Kelly to close the public hearing at 7:03 PM and it was carried unanimously.

Board Questions

Chairperson T. Kelly proceeded with the board through the five (5) criteria questions: **For Plan A on Lot A**

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No, Mr. Smith will need variances to reach his goal of the two-lot subdivision.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No, it would be improving the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered Yes, because of the nature of the existing lot.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No
- 5) Whether the alleged difficulty was self-created? The board answered Yes

The board reviewed what the variances would be for both plans:

Lot A Plan A – Area variance of 82,054 minimum for both plans A & B.

Front yard variance of 19.2 feet.

Rear yard variance of 40 feet.

Lot A Plan B – Area variance of 82,054 minimum for both plans A & B.

Front yard variance of 17.7 feet.

Rear yard variance of 27 feet.

The board discusses the difference between plan A and plan B and which plan the board would support. Chairman Kelly stated he has spoken to the Canal Corporation and to clarify that this piece of property is part of the old Erie Canal and is now part of the State Parks Department. Chairman T. Kelly stated the current house is technically seven feet on New York State Park Land which from an environmental standpoint will make building here much more complicated. After reviewing the information, the board decided to go with Plan B on Lot A to build a new house to the east of the garage.

Board Questions

Chairperson T. Kelly proceeded with the board through the five (5) criteria questions: **For Plan B on Lot A**

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No it would be improving the look of neighborhood.
- 3) Whether the requested Variance is substantial? Yes because of the size and shape of the lot there is nothing else you can do.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No as it will be an improvement.
- 5) Whether the alleged difficulty was self-created? The board answered Yes because he bought the lot.

Determination of ZBA Based on the Above Factors:

The ZBA, after taking into consideration the above five factors, finds that:

 X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

 The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a variance for Lot A Plan B as follows: Area variance of 82,054 minimum for both plans A & B, Front yard variance of 17.7 feet, Rear yard variance of 27 feet

is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

SEQRA Review

Chairperson T. Kelly determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Miller made a motion, seconded by Member Catalino to approve the three variances for the property located at 5546 N. Burdick St., Fayetteville NY (tax map # 086.-02-08.0) for Lot A Plan B as follows: Area variance of 82,054 minimum for both plans A & B, Front yard variance of 17.7 feet, Rear yard variance of 27 feet.

The Board voted as follows:

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Karrie Catalino, Warren Linhart
Motion Carries.

Chairman T. Kelly states the board will now discuss the requested two variances for 5590 N. Burdick St., Fayetteville which are an Area Variance of 71,251 Sq. Ft. and Road Frontage of .37 ft. for Lot B.

Board Questions

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No because the house already exists.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No
- 3) Whether the requested Variance is substantial? Yes, but the road frontage request is not.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No
- 5) Whether the alleged difficulty was self-created? The board answered Yes

Determination of ZBA Based on the Above Factors:

The ZBA, after taking into consideration the above five factors, finds that:

 X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

_____ The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a variance for Lot B as follows: Area Variance of 71,251 Sq. Ft. and Road Frontage of .37 ft. is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

SEQRA Review

Chairperson T. Kelly determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Miller made a motion, seconded by Member Linhart to approve the two variances for the property located at 5590 N. Burdick St., Fayetteville NY (tax map # 086.-02-08.0) for Lot B as follows: Area Variance of 71,251 Sq. Ft. and Road Frontage of .37 ft.

The Board voted as follows:

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Karrie Catalino, Warren Linhart
Motion Carries.

Adjournment

With there being no other business, Member Campbell made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 6:52 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: March 22, 2022

1. Property Address: 5007 Fayetteville-Manlius Road

Property Tax Map # 103.-02-09.1

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; _____

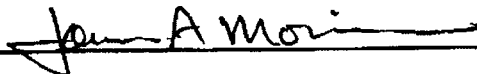
replacement in kind of an existing shed

2. Owner of Property: James and Marcia Morrison

Owner's Address: 5007 F/M Rd., Manlius NY 13104

Owner's E-Mail: jaming@windstream.net

Owner's Phone #: 315.682.2197 Does Owners reside at property: yes

Signature of Property Owner: 

3. Applicant / Representative / Attorney:

Name: J.A. Morrison Company: _____

Address: (same as above)

Phone: _____ E-Mail: _____

Below this line - For Office Use Only

Application Received by: _____ Date: _____

Payment Receipt #: _____

Date of Denial of Building Permit Application: _____ Current Property Zoning: _____

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: _____

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

I, Jerah Munnell, being duly sworn, deposes and says that (s) he is:
(Notary)

(applicant, petitioner, corporation officer, property owner, etc.)

A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:

- 1) is the applicant, or
- 2) is an officer, director, partner or employee of the applicant, or
- 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
- 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.

C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: 22 MAR 22, 2022

Date: _____, 20____

James A Morris
(Print Name of 1st Applicant)

(Print Name of 2nd Applicant)

James A Morris
(Signature of 1st Applicant)

(Signature of 2nd Applicant)

(Entity Name)

(Entity Name)

By (Officer) _____ (Title) _____

By (Officer) _____ (Title) _____

(Mailing Address of 1st Applicant)

(Mailing Address of 2nd Applicant)

(Telephone Number)

(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this 22 day of March in the year 20 22, before me, the undersigned, a notary public in and for said state, personally appeared JAMES A MORRIS
(1st Applicants Name)

, and _____ personally known to me or proved to me on the basis
(2nd Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Sarah A. Munnell
Notary Public

SARAH A. MUNNELL
Notary Public, State of New York
01860421100
Qualified in Onondaga County
My Commission Expires 4/30/25

SEAL

Attachment 1

Area Variances – 5 Criteria Questions...and, answers:

Q-1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?

Ans: No, alternatives are either physically restricted, spatially limiting and/or restricted by code.

Q-2. Whether the Variance will result in an undesirable change in the character of the neighborhood?

Ans: No.

Q-3. Whether the requested variance is substantial?

Ans: No, the action is essentially an upgrade/improvement to a long existing shed structure.

Q-4. Whether the Variance will have an adverse effect of physical or environmental conditions?

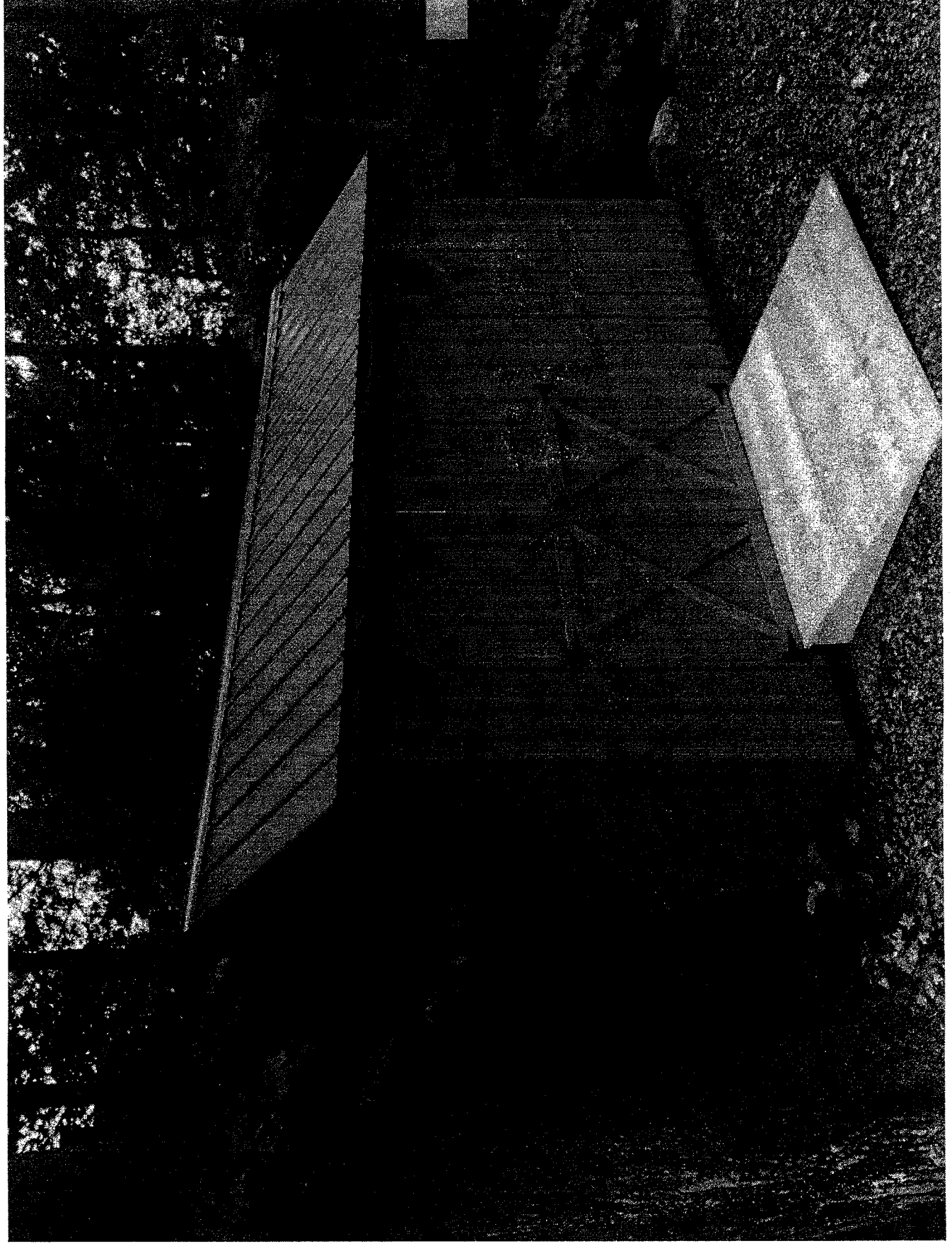
Ans: No, the benefit will not adversely effect either the physical or environmental conditions of the neighborhood.

Q-5. Whether the alleged difficulty was self-created?

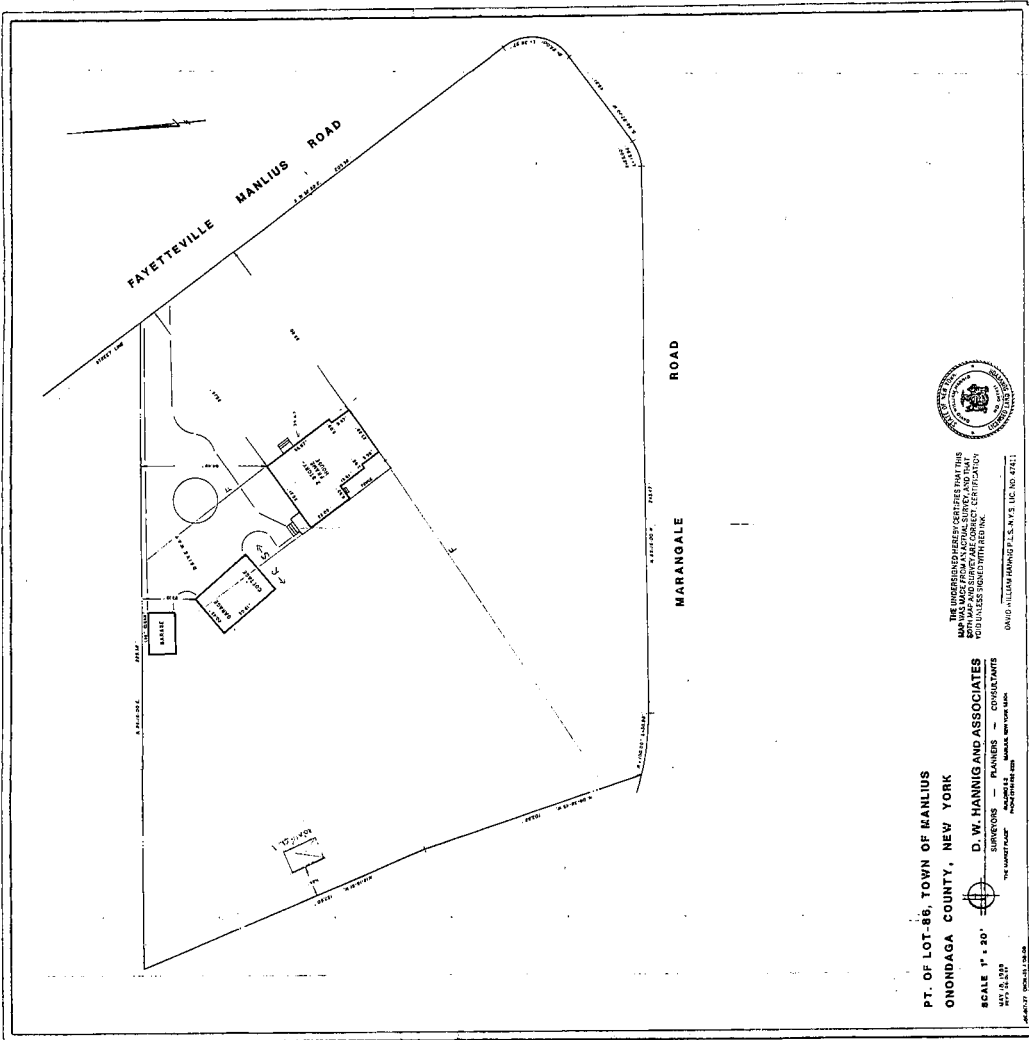
Ans: Yes, a consequence of seeking to improve structural serviceability, property appearance and enjoyment.

On a corner lot, a front yard setback shall be required on each street. A single-family dwelling on such lot shall have only one side yard. Said yard shall be that yard opposite the front yard with the greater street frontage. The remaining yard shall be considered the rear yard.

1/131



- Model-



5007 Fayetteville Rd.

Print

Application for Everything except Single Family Homes and Commercial Projects - Submission #1157

Date Submitted: 3/8/2022

Instructions After you submit the building permit application, you have three (3) business days to bring in the following: 1- Two (2) complete sets of plans 2- Building permit fee (which is based on the cost of the project or if it is a new single-family home, based on the square footage. Refer to the fee schedule on our webpage. 3- Survey of the property 4- Workers compensation form or BP-1 waiver form (either form can be e-mailed to lbeeman@townofmanlius.org) Failure to deliver the above paperwork to the Planning and Development Department within the three (3) business day deadline will make your application null and void. All paperwork must be submitted at one time, not separately. The application will not be reviewed until all necessary documents are received.

Application is hereby made for the issuance of a building permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. I hereby agree to comply with all laws, ordinances, regulations and revisions of the municipality in which the permit is requested. **

☒ I agree

Owner/Applicant - Name *

J. A. Morrison

Phone Number*

315.682.2197

Address of Proposed Work*

5007 Fayetteville-Manlius Rd.

Email Address*

jaming@windstream.net

Contractor Name and Address *

Fred Knapp of Fred's Sheds; PO Box 126, Pompey NY 13138

Phone Number*

315.552.4909

Proposed Work Type*

Shed



Description of Project*

installation of a new pre-fab 10'x16' outbuilding (shed); w/o utilities or services

Construction Costs*

\$4,437.80

Size of Project*

10' x 16' single story, painted

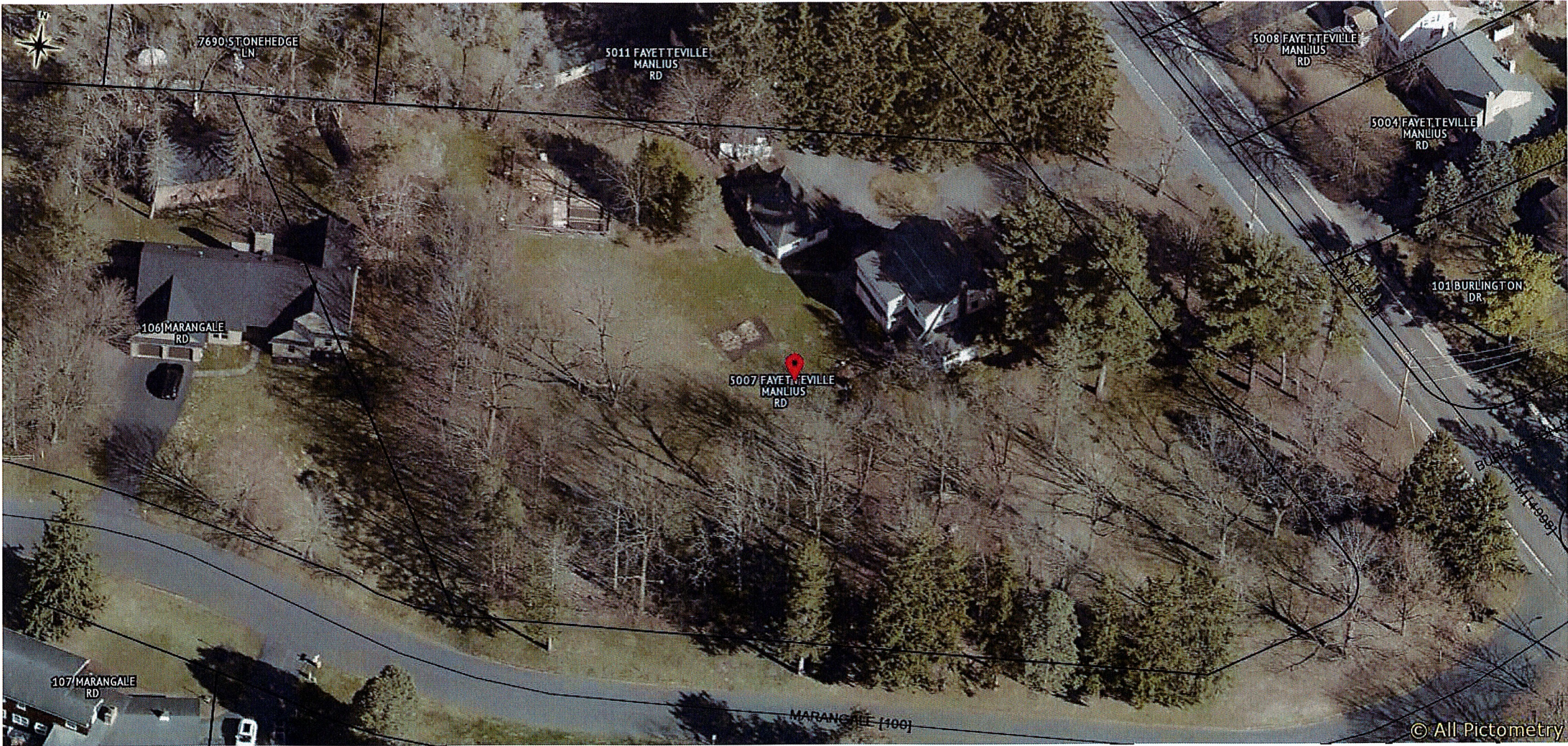
I hereby certify that no building is to be occupied or used in whole or part for any purpose whatsoever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer. I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or authorized representative upon showing proper credentials to enter the above premises or buildings during reasonable working hours to discharge their duties.*

☒ I agree

Zoning: R1 (F) 40 (R) 40 (S) 20 Flood Plain _____ Wetlands _____
Received By: [Signature] Receipt No.: 11562 Fee: \$ 15 Date: 3-9-22
Check #: 328 Cash: _____ Credit Card: _____
Tax Map # 103.-02-09.1
Building Permit Number: _____
Approved: _____ Disapproved: _____ Date: _____
Remarks: NEEDS ZBA APPROVAL - DENIED 3/16/2022
REAR YARD SETBACK
Required 40'
Requesting 10'
Variance of 30'

[Signature]
Signature of Code Enforcement Officer

5007 F-M Road



5007 F-M Road



TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 3/23/22

1. Property Address: 4760 THATCHWOOD DR

Property Tax Map # 105-01-04.6

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; _____

NEW CONSTRUCTION OF CARPORT

2. Owner of Property: MARCUS MORNEALE

Owner's Address: 4760 THATCHWOOD DR

Owner's E-Mail: MORNEALE25@HOTMAIL.COM

Owner's Phone #: 917-362-7327

Does Owners reside at property: YES

Signature of Property Owner: _____

3. Applicant / Representative / Attorney:

Name: _____ Company: _____

Address: _____

Phone: _____ E-Mail: _____

Below this line - For Office Use Only

Application Received by: _____

Date: _____

Payment Receipt #: _____

Date of Denial of Building Permit Application: _____ Current Property Zoning: _____

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: _____

TOWN OF MANLIUS
DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

[illegible]

I TINA GALVIN, being duly sworn, deposes and says that (s) he is:
(Notary)

MARCUS MURREALE
(applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
- 1) is the applicant, or
 - 2) is an officer, director, partner or employee of the applicant, or
 - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: March 23, 2022
→ MARCUS MOOREHEAD
(Print Name of 1st Applicant)
→ [Signature]
(Signature of 1st Applicant)

(Entity Name)

By (Officer) _____ (Title) _____
→ 4760 Thatchwood Dr
(Mailing Address of 1st Applicant)
Manlius NY 13104
→ 917 362 7327
(Telephone Number)

Date: _____, 20____

(Print Name of 2nd Applicant)

(Signature of 2nd Applicant)

(Entity Name)

By (Officer) _____ (Title) _____

(Mailing Address of 2nd Applicant)

(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)

) SS:

COUNTY OF ONONDAGA)

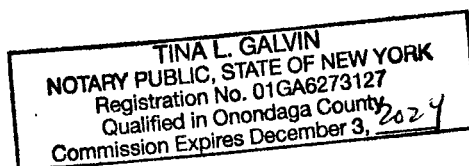
On this 23rd day of March in the year 2022, before me, the undersigned, a notary public in and for said state, personally appeared MARCUS MOOREHEAD
(1st Applicants Name)

, and _____ personally known to me or proved to me on the basis
(2nd Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

[Signature]
Notary Public

SEAL



4760 Thatchwood Dr / Marcus Morreale / 917-362-7327

5 Criteria questions:

- 1- No, cannot be achieved due to property layout/landscaping
- 2- No
- 3- No
- 4- No, with requested location no trees will be affected
- 5- Yes, benefit sought cannot be achieved by any other reasonable method









Print

Application for Everything except Single Family Homes and Commercial Projects - Submission #1176

Date Submitted: 3/18/2022

Instructions After you submit the building permit application, you have three (3) business days to bring in the following: 1- Two (2) complete sets of plans 2- Building permit fee (which is based on the cost of the project or if it is a new single-family home, based on the square footage. Refer to the fee schedule on our webpage. 3- Survey of the property 4- Workers compensation form or BP-1 waiver form (either form can be e-mailed to lbeeman@townofmanlius.org) Failure to deliver the above paperwork to the Planning and Development Department within the three (3) business day deadline will make your application null and void. All paperwork must be submitted at one time, not separately. The application will not be reviewed until all necessary documents are received.

Application is hereby made for the issuance of a building permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. I hereby agree to comply with all laws, ordinances, regulations and revisions of the municipality in which the permit is requested. **

☒ I agree

Owner/Applicant - Name *

Marcus Morreale

Phone Number*

9173627327

Address of Proposed Work*

4760 Thatchwood Dr

Email Address*

morreale25@hotmail.com

Contractor Name and Address *

na

Phone Number*

917-362-7327

Proposed Work Type*

Other

Description of Project*

wood beam carport - 18'x24'

Construction Costs*

4500

Size of Project*

18x22

I hereby certify that no building is to be occupied or used in whole or part for any purpose whatsoever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer. I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or authorized representative upon showing proper credentials to enter the above premises or buildings during reasonable working hours to discharge their duties.*

☒ I agree

CODE ENFORCEMENT USE ONLY

Zoning: R1 (F) 40 (R) 40 (S) 20 Flood Plain _____ Wetlands _____

Received By: B Receipt No.: 11612 Fee: \$ 81 Date: 3-18-22

Check #: _____ Cash: _____ Credit Card: X

Tax Map # 105.-01-04.6

Building Permit Number: _____

Approved: _____ Disapproved: ✓ Date: 3/23/2022

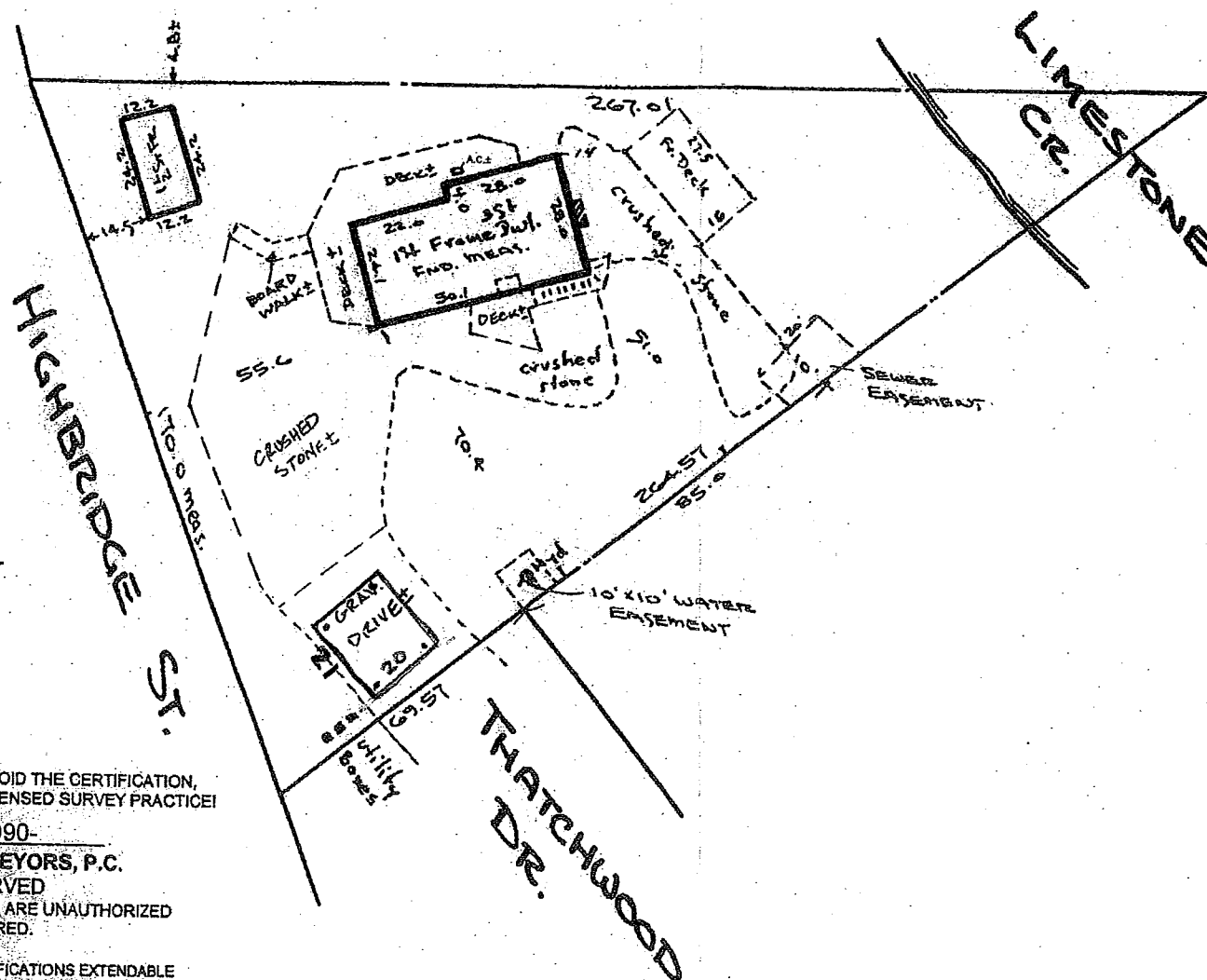
Remarks:

NEEDS VARIANCE FROM ZBA FOR TWO FRONT YARD SET BACKS
THATCHWOOD DRIVE FRONT YARD REQUIRED: 40 HAS: 4 NEEDS VARIANCE OF: 36
HIGHBLIDGE ST FRONT YARD REQUIRED: 40 HAS: 19 NEEDS VARIANCE OF: 21


Signature of Code Enforcement Officer

SURVEYORS: REFERENCE TO, USE OF OR RELIANCE ON THIS MAP WITHOUT THE WRITTEN CONSENT FOR WHATEVER PURPOSE VIOLATES MY COPYRIGHT AND ABSOLVES ME OF ANY LIABILITY FOR LATENT OMISSIONS AND ERRORS AND OF ANY RESPONSIBILITY FOR RESULTANT DAMAGES.

Hunt
C. L. And
Ramon
Manus Manlius



FOR CONVEYANCE AND/OR MORTGAGE PURPOSES ONLY OCCURRING WITHIN ONE YEAR OF THE LATEST CERTIFICATION DATE ONLY.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY ON 10-12-1981. MAPS WITHOUT THE SIGNER'S EMBOSSED SEAL ARE UNCERTIFIED COPIES ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS.

RECERTIFIED ON: AUG. 17, 2020

"NO CHANGE" AFFIDAVITS ISSUED ON THIS MAP VOID THE CERTIFICATION, INFRINGE ON COPYRIGHT AND REPRESENT UNLICENSED SURVEY PRACTICE!

COPYRIGHT © 1990-
BY COTTRELL LAND SURVEYORS, P.C.

ALL RIGHTS RESERVED

COPIES WITHOUT THE EMBOSSED SEAL ARE UNAUTHORIZED AND HAVE BEEN ALTERED.

USERS: THIS MAP IS NOT USABLE NOR CERTIFICATIONS EXTENDABLE FOR UNSPECIFIED PURPOSES OR FOR SUBSEQUENT TRANSACTIONS EXCEPT BY THE WRITTEN CONSENT OF OR BY SURVEY UPDATE BY THE UNDERSIGNED ONLY.



No. 4760 THATCHWOOD DRIVE

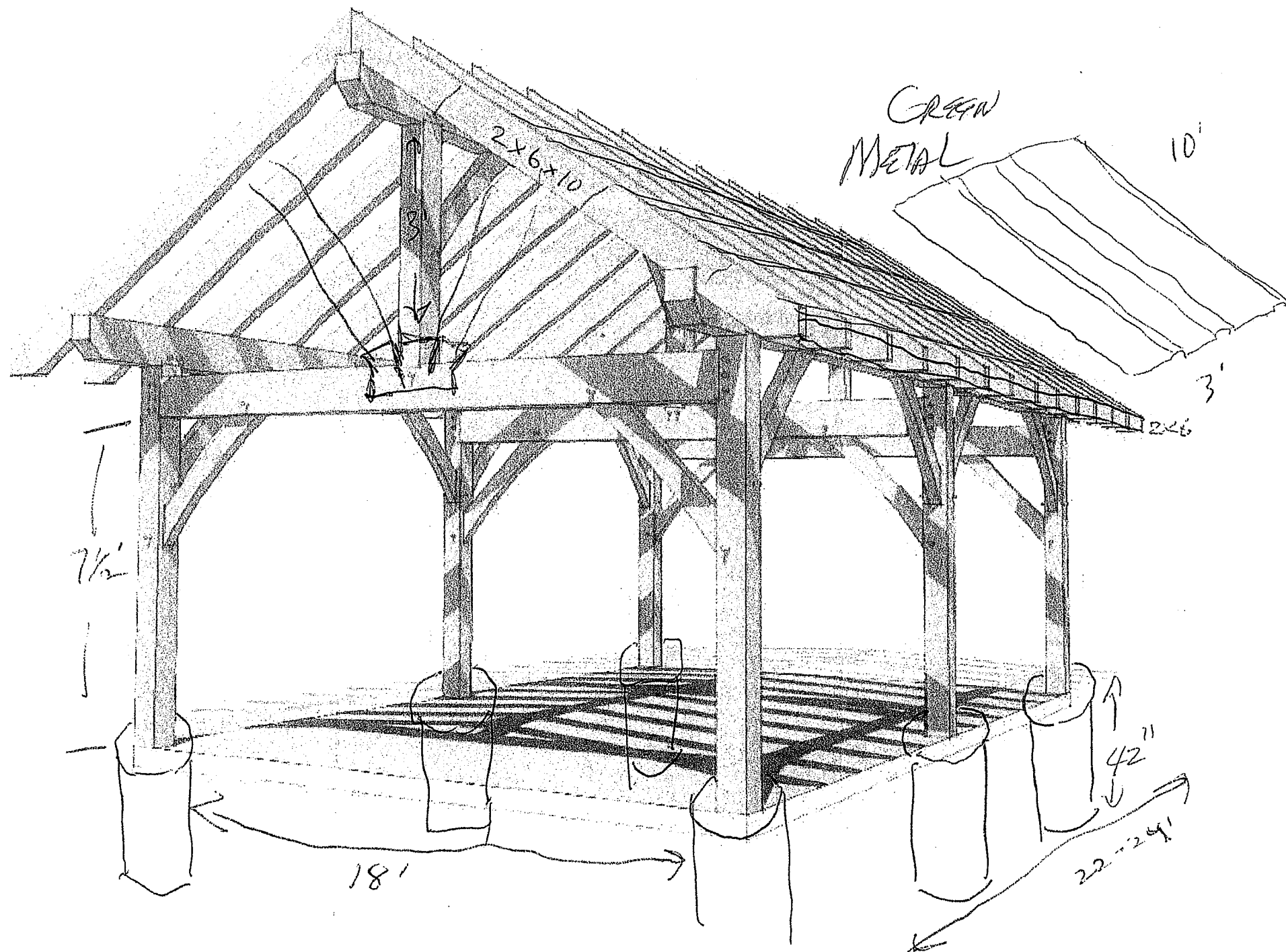
LOT 6 · THATCHWOOD
TOWN OF MANLIUS · ONON. CO., N.Y.

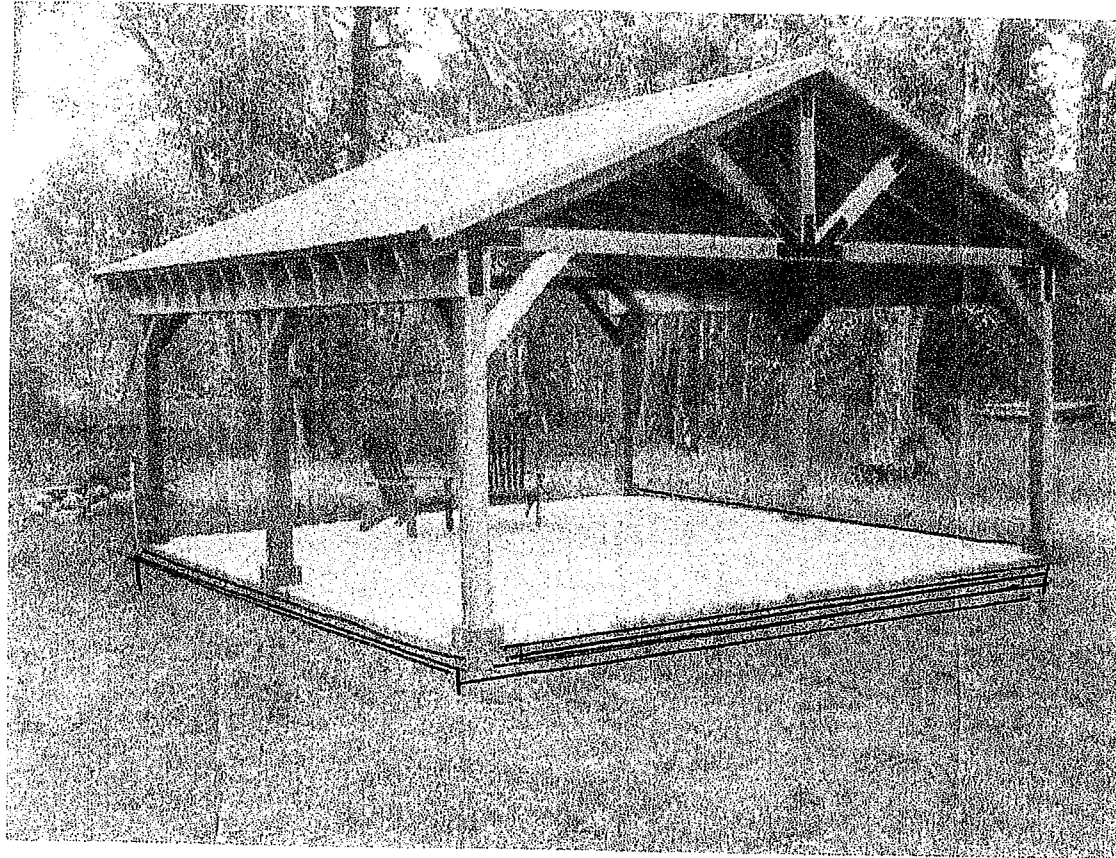
I.D. Lot 6
FILE THATCHWOOD DR. FOLDER
BK/PG- 277/55

SCALE: 1"=40'
OCT. 12, 1981

COTTRELL LAND SURVEYORS, PC
7308 STATE ROUTE 173, MANLIUS, NY 13104
(315) 682-8121 WWW.COTTRELLSURVEYORS.COM

GREEN
METAL





CONCRETE SLAB Depth
4" w/ WIRE MESH
Reinforced UNDER POSTS

4760 Thatchwood Dr.



03/30/2021

4760 Thatchwood Dr.



03/30/2021

March 25, 2022

Mr. Tim Kelly, Chair
Town of Manlius Zoning Board of Appeals
301 Brooklea Drive
Fayetteville, NY 13066

Re: Area Variance Application
A&E & SNY Center
Medical Center Drive

Dear Chairman Kelly,

On behalf of our client, A&E & SNY Center, we are submitting the enclosed area variance application with exhibits for the ZBA's consideration. The project site is located on the parcel of land on the northerly side of Medical Center Drive adjacent to the Towne Center Retirement Community (tax parcel 086.-01-03.9). The proposed project will construct two buildings, one a building with a 14,242-square foot footprint (one-story with a "walk-out" type basement, total square footage 28,484 square feet) and the second building with a footprint of 11,332-square foot building. On March 23, 2022 the Town Board approved the zone change application that changed the zoning from Restricted Agriculture (RA) to Neighborhood Shopping (NS).

The dimensional standards for the Neighborhood Shopping District, as stated in the Town's Zoning Code, require:

- a. Front yard depth (feet): A minimum of 50 feet from any adjoining property line of property zoned residential or restricted agricultural. A minimum of 30 feet immediately adjoining any such property line shall consist of a landscaped buffer, appropriate to the circumstances, as approved by the Planning Board.
- b. Rear yard depth (feet): A minimum of 50 feet from any adjoining property line of property zoned residential or restricted agricultural. A minimum of 30 feet immediately adjoining any such property line shall consist of a landscaped buffer, appropriate to the circumstances, as approved by the Planning Board.
- c. Side yard depth (feet): A minimum of 50 feet from any adjoining property line of property zoned residential or restricted agricultural. A minimum of 30 feet immediately adjoining any such property line shall consist of a landscaped buffer, appropriate to the circumstances, as approved by the Planning Board.

The applicant, A&E and SNY Center, is applying for an area variance for the front yard depth along Medical Center Drive; the applicant is seeking a 10-foot relief from the zoning code to allow the building to be constructed with a 40-foot setback from Medical Center Drive.

The applicant is applying for an area variance for the rear yard depth along the common line with the Towne Center Retirement Community; the applicant is seeking a 25-foot relief from the zoning code to allow the building to be constructed with a 25-foot setback from the common line with the Towne Center Retirement Community.

The applicant is applying for an area variance for the rear yard landscape buffer depth along the common line with the Towne Center Retirement Community; the applicant is seeking a 5-foot relief from the zoning code to allow the building to be constructed with a 25-foot landscape buffer from the common line with the Towne Center Retirement Community.

The Zoning Code also requires that all service areas within a Neighborhood Shopping District, such as those for the loading and unloading of merchandise, the delivery of food and equipment and the collection and pickup of garbage, shall be located a minimum of 100 feet from any adjoining property line or property zoned residential or restricted agricultural.



The applicant is applying for an area variance for the service area screening along Medical Center Drive and the common line with the Towne Center Retirement Community; the applicant is seeking a 25-foot relief from the zoning code to allow service areas to be located within 50 feet of the property line of Medical Center Drive and the common property line with the Towne Center Retirement Community. This relief will allow equipment for the physical therapy space to be delivered to the building directly to the lower level of the building. The relief will also allow the dumpster enclosure to be located to the side of the parking lot versus being located in the front of the building.

Below are answers to the five Area Variance Criteria Questions:

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?

The project team has looked at several options in order to achieve a feasible project that fits with the character of the neighborhood. Initially the Applicant applied for a zone change to Commercial A; the front and side yard setbacks for the CA District are 30 feet and 15 feet, respectively.

The Town Planning Board suggested that a more appropriate district for this property is the Neighborhood Shopping (NS) District. The proposed use is allowable within both the CA and NS districts. The Planning Board was concerned that, while the current proposed use is compatible with the existing neighborhood, the CA District allows uses that are not compatible with the surrounding area whereas the NS District does not allow these non-compatible uses. Therefore, the Applicant changed the zone change application to request that the property's zoning be changed to the NS District.

In doing so, however, the project then became subject to the more restrictive front and side yard requirements. The applicant's building program – office space, exam space, waiting room areas, physical therapy space, records storage, maintenance/service areas, etc. – has been established to meet the needs of the clientele, tenants, and building codes. We have looked at several options for the site layout including moving the buildings to comply with the NS District setbacks. However, the loss of parking is significant.

Another disadvantage to moving the building further onto the site is that the existing topography of the property would no longer lend itself to the "walk-out basement"-type construction that is proposed. To gain sufficient building space without constructing a sprawling building, the Applicant is proposing a two-story structure. However, strategically locating the building into the hillside, it will only appear to be a one-story building for the residential neighbors to the north. While moving the building to meet the 50-foot setback would result in a five-foot change in elevation, the amount of earthwork (ie, export of excess material) that would need to occur to maintain the "walk-out basement" would add significant cost to the project.

2. Whether the variance will result in an undesirable change in the character of the neighborhood?

The variance will not result in an undesirable change in the character of the neighborhood. Medical Center Drive is a 90-foot right-of-way. Under the current RA zoning for the property to the south of Medical Center Drive, a building must be a minimum of 40 feet from the property line. The proposed building is 40 feet from the Medical Center right-of-way. Therefore, the minimum distance between the proposed building and a future building to the south of Medical Center Drive is 170 feet.

To the east, the three-story Towne Center Retirement Community is over 210 feet to the common line between the two properties. The hillside, with close to a 40-foot change in elevation, separates the parking area for the retirement community and the proposed building. This hillside is a physical barrier that separates the two uses, almost isolating one from the other.

To the north, the variance will maintain the character of the neighborhood with respect to the residential community. The variance will allow the Applicant to construct a two-story building that will appear as a one-story building from the parking lot and the residential area beyond.



3. Whether the requested variance is substantial?

The variance request is not substantial. The variance request does not allow the building to be located in such a manner as to be intrusive on the residential neighbors to the north. The proposed building location meets the setback requirements with regards to these neighbors. The variance request also does not locate the building in such a manner as to impact the residents of the retirement community; the two buildings will be over 200 feet from each other and the 40-foot hillside provides a physical separation between the two properties.

4. Whether the variance will have an adverse effect on physical or environmental conditions?

The variance will help mitigate any potential adverse physical or environmental conditions. Locating the building along the hillside with a walk-out will decrease the amount of earthwork that has to be performed. This equates to less exposed soil that could erode downhill, less export of the site (ie, less truck traffic), less impact to stormwater runoff characteristics.

5. Whether the alleged difficulty was self-created?

The Applicant's original zone change application requested that the property's zoning be changed to Commercial A (CA) in order to comply with all of the zoning requirements. After meeting with the Town Planning Board, the Applicant agreed to revise the zone change application to request the zoning be changed to Neighborhood Shopping (NS). Moving the building locations to comply with the NS District zoning requirements creates other hardships, such as a significant loss of parking, additional earthwork that creates additional construction traffic and can lead to erosion along the hillside, and a further impact to stormwater runoff characteristics.

We have included with this application:

1. The application and disclosure affidavit
2. The preliminary site plan showing the setback requirements vs. the proposed setbacks if the variances are approved.
3. The Short Environmental Assessment Form
4. Application Fee

We look forward to working with the Town. If you should have any questions or comments, please feel free to contact us.

Respectfully,

NAPIERALA CONSULTING
Professional Engineer, P.C.

Rod Ives, P.E.
Project Manager

Enclosures

cc: Michael Papa, A&E & SNY Center

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: March 25, 2022

1. Property Address: Medical Center Drive @ intersection with Avriel Drive (NE corner)

Property Tax Map # 086.-01-03.9

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; _____

New construction

2. Owner of Property: Walnut Grove, LLC

Owner's Address: 7101 82nd Street, Lincoln, NE 68516

Owner's E-Mail: blewisc@camerongeneralcontractors.com

Owner's Phone #: 402-420-3149 Does Owners reside at property: No

Signature of Property Owner: Breck C Kelloggworth

3. Applicant / Representative / Attorney:

Name: Michael Papa Company: A&E and SNY Center

Address: Suite 38, 5781 Bridge Street, East Syracuse NY 13057

Phone: (315) 445-1177 E-Mail: papam42020@gmail.com

Below this line - For Office Use Only

Application Received by: _____ Date: _____

Payment Receipt #: _____

Date of Denial of Building Permit Application: _____ Current Property Zoning: _____

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: _____

TOWN OF MANLIUS
DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

I Michael Papa, being duly sworn, deposes and says that (s) he is:
 (Notary)

applicant
 (applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
- 1) is the applicant, or
 - 2) is an officer, director, partner or employee of the applicant, or
 - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: 3 24, 20 22

Michael Papa

(Print Name of 1st Applicant)

Michael Papa
(Signature of 1st Applicant)

A&E and SNY Center

(Entity Name)

By (Officer) _____ (Title)

(Mailing Address of 1st Applicant)

(Telephone Number)

Date: _____, 20 _____

(Print Name of 2nd Applicant)

(Signature of 2nd Applicant)

(Entity Name)

By (Officer) _____ (Title)

(Mailing Address of 2nd Applicant)

(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

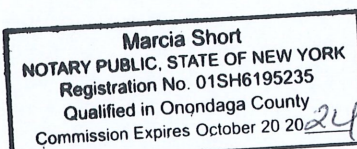
On this 24th day of March in the year 20 22, before me, the undersigned, a notary public in and for said state, personally appeared Michael Papa
(1st Applicants Name)

, and _____ personally known to me or proved to me on the basis
(2nd Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Marcia Short
Notary Public

SEAL



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

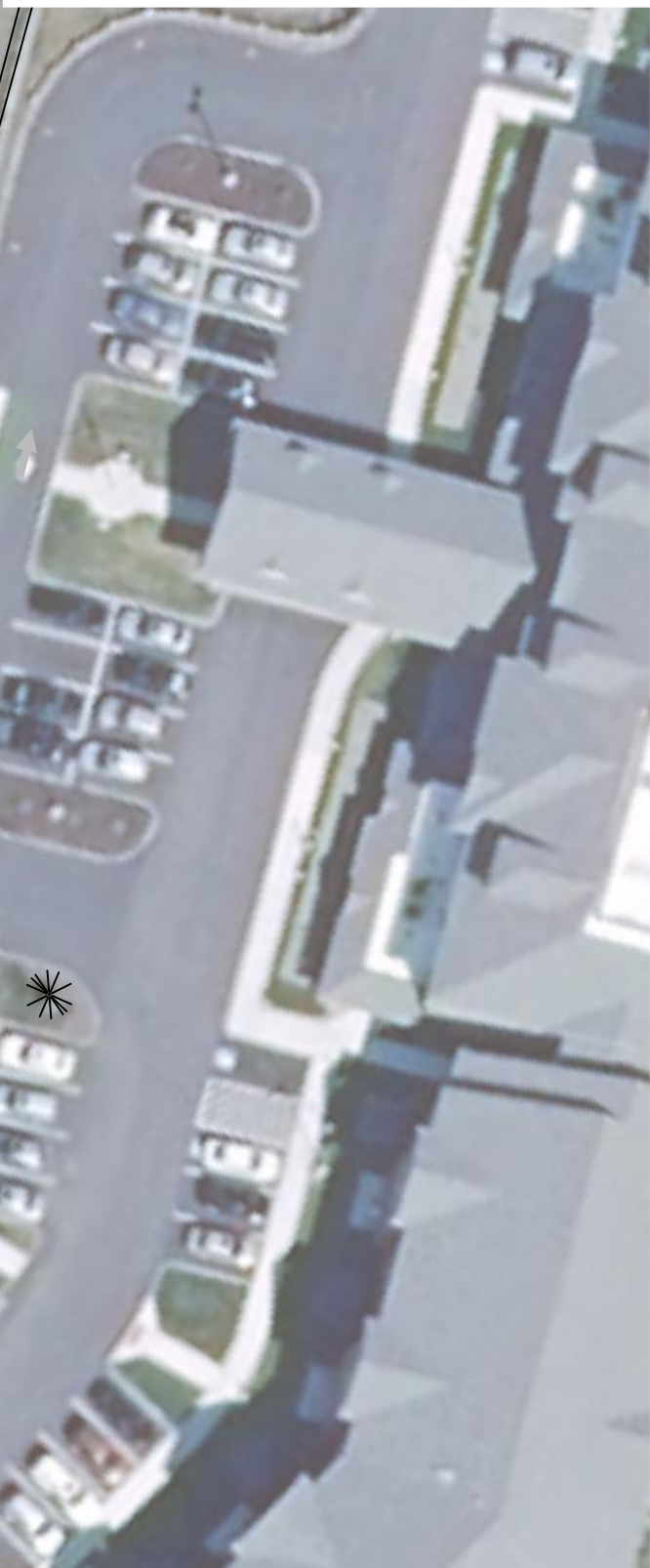
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: A&E & SNY Center			
Project Location (describe, and attach a location map): Medical Center Drive at Avriel Drive (Tax Parcel 086.-01-03.9), Town of Manlius, Onondaga County			
Brief Description of Proposed Action: A two-phase development of a medical office / personal services center. The first phase is the construction of a one-story building with a "walk-out" basement with a footprint of 14,242 sq ft (total 28,484 sq ft), a 108-vehicle parking lot and associated utilities (water, sewer, stormwater management, electric, natural gas, communications). Phase 2 is the construction of a second, one-story building with a footprint of 11,332 sq ft. Variances are required for the front yard depth (40 feet from the required 50 feet), side yard depth (25 feet from the required 50 feet), side yard landscaped buffer (25 feet from the required 30 feet), and service area setback (50 feet from the required 100 feet).			
Name of Applicant or Sponsor: A&E & SNY CENTER		Telephone: (315) 445-1177 E-Mail: papam42020@gmail.com	
Address: Suite 38, 5781 Bridge Street			
City/PO: East Syracuse		State: New York	Zip Code: 13057
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: Manlius Planning Board - Site Plan Approval Manlius Town Board - Zone Change; Manlius ZBA- Variance Approval		☐	☒
3. a. Total acreage of the site of the proposed action?		4.038 acres	
b. Total acreage to be physically disturbed?		2.890 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.038 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Undeveloped ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	☐	☒	☐
	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	☒	☐	
	☐	☒	
	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	☐	☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	☐	☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	☒	☐	
	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	☒	☐	
	☐	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☐	☒
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
Existing 15" culvert at the intersection of Medical Center Drive and Avriel Drive		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
Stormwater management practice to attenuate runoff so as not to adversely impact downstream properties.	☐	☒
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>A&E and SNY Center</u> Date: <u>March 25, 2022</u> Signature: <u></u> Title: <u>34 PROJECT MANAGER</u> NAPIERALA CONSULTING		



GRAPHIC SCALE

0 40' 80'

(IN FEET)

1 inch = 40 ft

PLAN SEAL BY:
RODNEY C. IVES, JR., P.E.

PREPARED BY:

NAPIERALA
CONSULTING
PROFESSIONAL ENGINEER, P.C.
SITE • DESIGN • ENGINEERING

110 FAYETTE STREET
MANLIUS, NEW YORK 13104

email: MN.AP@NAPCON.COM
PH: (315) 682-5580 FAX: (315) 682-5544

DATE	01/14/2022	21-2022
SCALE	1"=40'	

**A&E & SNY CENTER
MEDICAL CENTER DRIVE**

TOWN OF MANLIUS ONONDAGA COUNTY, NEW YORK

PREPARED FOR:

A&E & SNY CENTER
SUITE 38
5781 BRIDGE STREET
EAST SYRACUSE, NY 13057

PRELIMINARY SITE PLAN

3-PS

Medical Ct. Dr. (086.-01-03.9)



03/30/2021